

FILED  
ELECTRONICALLY

2/7/07

STUTMAN, TREISTER &amp; GLATT, P.C.

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USA Capital First Trust Deed Fund, LLC***UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:	)	BK-S-06-10725-LBR
USA COMMERCIAL MORTGAGE COMPANY	)	Chapter 11
Debtor	)	

In re:	)	BK-S-06-10726-LBR
USA CAPITAL REALTY ADVISORS, LLC,	)	Chapter 11
Debtor	)	

In re:	)	BK-S-06-10727-LBR
USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,	)	Chapter 11
Debtor	)	

In re:	)	BK-S-06-10728-LBR
USA CAPITAL FIRST TRUST DEED FUND, LLC,	)	Chapter 11
Debtor.	)	

In re:	)	BK-S-06-10729-LBR
USA SECURITIES, LLC,	)	Chapter 11
Debtor.	)	

Affects	)	
<input type="checkbox"/> All Debtors	)	
<input checked="" type="checkbox"/> USA Commercial Mortgage Co.	)	
<input type="checkbox"/> USA Securities, LLC	)	DATE: January 31, 2007
<input type="checkbox"/> USA Capital Realty Advisors, LLC	)	TIME: 9:30 a.m.
<input type="checkbox"/> USA Capital Diversified Trust Deed	)	
<input checked="" type="checkbox"/> USA Capital First Trust Deed Fund, LLC	)	

**NOTICE OF ENTRY OF ORDER RE SECOND OMNIBUS OBJECTION OF THE  
OFFICIAL COMMITTEE OF EQUITY SECURITY HOLDERS OF USA CAPITAL  
FIRST TRUST DEED FUND, LLC TO MISFILED CLAIMS (AFFECTS DEBTORS  
USA COMMERCIAL MORTGAGE CO. AND USA CAPITAL FIRST TRUST DEED  
FUND, LLC.)**

1 PLEASE TAKE NOTICE THAT an Order re Second Omnibus Objection of the Official  
2 Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC to Misfiled  
3 Claims was entered on February 7, 2007, a true and correct copy of which is attached hereto.

4 DATED this 7<sup>th</sup> day of February, 2007.

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Entered on Docket  
February 07, 2007

Hon. Linda B. Riegler  
United States Bankruptcy Judge

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*Counsel for the Official Committee of Equity Security Holders of  
USA Capital First Trust Deed Fund, LLC*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re: ) BK-S-06-10725-LBR  
USA COMMERCIAL MORTGAGE COMPANY ) Chapter 11  
Debtor )

In re: ) BK-S-06-10726-LBR  
USA CAPITAL REALTY ADVISORS, LLC, ) Chapter 11  
Debtor )

In re: ) BK-S-06-10727-LBR  
USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC, ) Chapter 11  
Debtor )

In re: ) BK-S-06-10728-LBR  
USA CAPITAL FIRST TRUST DEED FUND, LLC, ) Chapter 11  
Debtor. )

In re: ) BK-S-06-10729-LBR  
USA SECURITIES, LLC, ) Chapter 11  
Debtor. )

**Affects**

- ☐ All Debtors )  
☒ USA Commercial Mortgage Co. )  
☐ USA Securities, LLC )  
☐ USA Capital Realty Advisors, LLC )  
☐ USA Capital Diversified Trust Deed )  
☒ USA Capital First Trust Deed Fund, LLC )

DATE: January 31, 2007  
TIME: 9:30 a.m.

**ORDER RE SECOND OMNIBUS OBJECTION OF THE OFFICIAL COMMITTEE OF  
EQUITY SECURITY HOLDERS OF USA CAPITAL FIRST TRUST DEED FUND, LLC  
TO MISFILED CLAIMS (AFFECTS DEBTORS USA COMMERCIAL MORTGAGE  
CO. AND USA CAPITAL FIRST TRUST DEED FUND, LLC.)**

The Court having considered the Second Omnibus Objection of the Official Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC to Misfiled Claims (the "Objection")(Docket No. 2285), as modified by the Notice of Withdrawal of the Objection of the Official Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC to Claim No. 138 Filed by James W. Shaw IRA Against USA Capital First Trust Deed Fund, LLC (the "Withdrawal")(Docket No. 2418); Candace C. Carlyon, Esq. of the law firm of Shea & Carlyon, Ltd. appearing on behalf of the movant (with any other appearances having been noted in open court); the Court having considered the Objection; adequate notice of the Objection having been given; and (except as to the Claim which is the subject of the Withdrawal), there having been no response filed to the Objection; and good cause appearing:

IT IS HEREBY ORDERED that the Objection is Granted, and the Claims listed on Exhibit "A" (the "Claims") hereto are disallowed; and

IT IS FURTHER ORDERED that, to the extent that the Claims were not timely filed in Case No. BK-S-06-10725-LBR (the "USACM Case"), the Claims shall be deemed to have been filed in the USACM Case, as of the date such Claims were filed in the FTDF Case, without prejudice to the rights of any party to object or otherwise respond to such Claims.

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1 SUBMITTED BY:

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16 /s/ Jeanette E. McPherson

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Diversified Trust Deed Fund, LLC

APPROVED/DISAPPROVED:

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Attorneys for Sondra Skipworth Revocable  
Truste Dated 11/28/01

REVIEWED:

OFFICE OF THE U.S. TRUSTEE

AUGUST B. LANDIS, ESQ.  
SCOTT A. FARROW, ESQ.  
300 Las Vegas Boulevard, Suite 4300  
Las Vegas, NV 89101

APPROVED/DISAPPROVED:

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/s/ Greg E. Garman

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Commercial Mortgage

1 APPROVED/DISAPPROVED:

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19 Las Vegas, NV 89106  
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Truste Dated 11/28/01

20 REVIEWED:

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00514717010

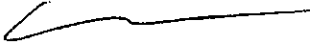
**RULE 9021 DECLARATION**

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ I have delivered a copy of proposed order to all attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection and each has:
- ☒ approved the form of this order;
- ☐ waived signature in open court; and/or
- ☐ failed to file and serve papers in accordance with LR 9021(c).
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection and all have either approved the form of this order, waived the right to review the order, failed to file and serve papers in accordance with LR 9021(c) and the following have disapproved the order:
- ☐ No opposition was filed to the motion and no other party or counsel appeared at the hearing.

DATED this 6th day of February, 2007.

SHEA & CARLYON, LTD.

  
CANDACE C. CARLYON, ESQ.  
Nevada Bar No. 002666  
228 S. Fourth Street, 1<sup>st</sup> Floor  
Las Vegas, NV 89101

**EXHIBIT “A”**

**EXHIBIT A**

<b><u>CLAIM NO.</u></b>	<b><u>CREDITOR</u></b>	<b><u>CLAIM AMOUNT</u></b>
43	Daniel O. Carlton & Takeko Carlton Revocable Trust Dated 4/30/97	\$17,260.84
44	Daniel O. Carlton & Takeko Carlton Revocable Trust Dated 4/30/97	\$75,000.00
45	Daniel O. Carlton & Takeko Carlton Revocable Trust Dated 4/30/97	\$55,000.00
46	Daniel O. Carlton & Takeko Carlton Revocable Trust Dated 4/30/97	\$55,000.00
49	Daniel O. Carlton & Takeko Carlton Revocable Trust Dated 4/30/97	\$50,000.00
50	Lawrence J. Aronson & Henrietta Aronson	\$100,000.00
51	Mollie Shoichet & Henrietta Aronson	\$100,000.00
52	Buckwald Revocable Trust Dated 2/11/92	\$50,807.00
54	Phillip Darin Goforth & Francesca M. Goforth	\$50,000.00
57	Melinda Estevez & Richard David Estevez Acct. # 2	\$331.52
58	Melinda Estevez & Richard David Estevez Acct. # 1	\$51,095.00
59	Melinda Estevez & Richard David Estevez Acct. # 3	\$68,000.0
60	The Evo E. Zepponi and Billie D. Zepponi Family Trust Under Agreement Dated 2/9/1983	\$3,961.66
61	Iona Pete Bakas Halliday	\$50,000 plus accrued interest
62	Lauren J. Gilbert & Erin M. Gilbert	\$50,000.00

<u>CLAIM NO.</u>	<u>CREDITOR</u>	<u>CLAIM AMOUNT</u>
63	Lauren J. Gilbert	\$25,000.00
67	Michael W. Carlton & Helen I Carlton	No amount stated.
74	Sondra Skipworth Revocable Trust Dated 11/28/01	\$100,000
75	Donnolo Family Trust DTD 8/24/88; Joseph & Loretta Donnolo Trustees	\$258,705.71
76	Richard L. Younge IRA	\$150,000.00 plus interest
78	Edwin C. Hansen & Rachel M. Hansen	\$130,000 plus interest
79	Center State Beverage, Inc.	\$86,608.00
81	Layne Family Trust, Bruce & Sherry Layne	\$240,000.00
86	Karen Petersen Tyndall Trust Dated 3/9/94	\$1,115,915.59
87	KPT Irrevocable Trust Dated 7/16/99	\$202,866.38
88	KPT Irrevocable Trust Dated 7/16/99	\$202,866.38
92	Robert Carollo and Beverley Carollo	\$196,094.65 plus interest
93	Arnold Rosenthal	\$500.00
95	Victoria Smith	\$38,000.00
101	L Kanani Cohune	\$51,617.88
113	Michael Baginski	\$288,283.00
116	Karen Petersen Tyndall Trust Dated 3/9/94	\$1,115,915.59
117	KPT Irrevocable Trust Dated 7/16/99	\$202,866.38
121	James J. Lee, Esq.	\$200,000.00
122	Law Offices of James J. Lee	\$200,000.00

<u>CLAIM NO.</u>	<u>CREDITOR</u>	<u>CLAIM AMOUNT</u>
126	William Chad Berry	\$200,000.00
130	RDJ Investments	\$200,000.00
131	Richard N. Anderson TTE, Richard N. Anderson Separate Property	\$200,000.00
132	Craig Zager SEP IRA	\$65,000.00
139	Curtis R. & Terri L. Colagross	\$106,000.00